



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,809	11/21/2000	Joseph Mulavelil George	AUS9-2000-0551-US1	2104

7590 10/10/2003
Joseph R Burwell
P O Box 28022
Austin, TX 78755-8022

EXAMINER

ROBINSON, GRETA LEE

ART-UNIT PAPER NUMBER

2177

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

7

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

H

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

5

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Note attached Interview Summary and form PTOL-413A Applicant Initiated Interview Request Form

Greta Robinson
Primary Examiner
October 8, 2003

Interview Summary	Application No.	Applicant(s)	
	09/717,809	GEORGE ET AL.	
	Examiner	Art Unit	
	Greta L. Robinson	2177	

All participants (applicant, applicant's representative, PTO personnel):

(1) Joseph Burwell (registration no. 44,468). (3) _____.

(2) Greta Robinson. (4) _____.

Date of Interview: 08 October 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1-27.

Identification of prior art discussed: Hattori et al. US Patent 6,539,388 B1.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


 GRETA ROBINSON 10/8/03
 PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required



Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The rejection cited under 35 USC 112 second paragraph was discussed. Applicant referred to page 22 for support in clarifying the limitation "the metadata indicates database limitations". It was agreed that the term limitations is equivalent to the term constraints. Applicant noted an error in grouping the claims with respect to paragraph 4 page 3 of the response mailed July 9, 2003. Claims 6, 7, and 9 should read claims 6, 16, and 23 because these claims include the limitation "determining whether or not the object attribute ...modifying the object attribute". This correction will be made informally since the claims are parallel to dependent claim 6 and does not change the status of the claims. The prior art reference hattori et al was discussed, a formal response addressing the difference between the prior art and the present invention will be submitted. The examiner stated claims 6-10, 16-19, 21, 23-26 were not rejected under prior art and would be allowable if the response overcomes the rejection under 35 USC 112 second paragraph and includes all the limitations of the respective base claims.

Applicant Initiated Interview Request Form

Application No.: 09 / 717,809 First Named Applicant: George et al.
 Examiner: Robinson Art Unit: 2177 Status of Application: Non-final

Tentative Participants:

(1) Joe Burwell (attorney) (2) Greta Robinson (examiner)
 (3) _____ (4) _____

Proposed Date of Interview: 10/08/2003 Proposed Time: _____ (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>112 Rej.</u>	Primarily claims 1 and 6	<u>N/A</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>102(e)</u>	Primarily independent claims	<u>Hattori</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

See attached sheet.

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

 (Applicant/Applicant's Representative Signature)

 (Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Drawings

The PTO-326 form notes that the formal drawings that were filed on 01/18/2002 are acceptable, yet it also notes that there are draftsperson's objections on the PTO-948 form. In addition, the PTO-948 form refers to the informal drawings that were filed with the application, even though the PTO-948 form was created on 06/30/03. Thus, it is unclear whether the PTO-948 form may have been referring to the latter formal drawings or whether there are any outstanding objections to the formal drawings.

There are discrepancies between the drawings and the specification. The drawings contain element numbers 610, 620, and 630, but the specification contains element numbers 600, 610, and 620, respectively. This problem will be addressed by filing new formal drawings.

112 Rejection

With respect to independent claims 1, 10, 11, and 20, the Office action noted that the phrase "the metadata indicates database limitations" was vague. Although Applicant is unclear about the examiner's suggested interpretations, the intention of the claim language is that "the metadata contains information about database limitations". Applicant is open to amending the claim language as such if the amendment advances the prosecution of the patent application.

However, the specification states (e.g., page 22, paragraph 2) that "the metadata information 620 contains ..." other information, and the specification then continues to describe examples in which a particular record field in the metadata information "indicates" a particular type of constraint. Thus, reference to the specification and to the drawings provides sufficient basis for Applicant's assertion that the claim language is used in an ordinary meaning such that one of ordinary skill in the art would be able to interpret the claim language without vagueness. Hence, Applicant asserts that the rejection

Docket # 2000-0551---Serial # 09/717,809

was not necessary and that the amendment was not necessary. Applicant would also assert that any subsequent amendment on this issue does not provide a basis for making final a subsequent rejection based on amendment of the claims only on this issue.

Independent claim 10 does not have a pending prior art rejection. Applicant would like to inquire if claim 10 would be allowable if the 112 rejection is removed.

With respect to claim 6, the Office action notes that the "determining steps appear to be missing", but the determining step is the first element of claim 6. Hence, Applicant is unclear as to the reason for the rejection of claim 6 and as to why claims 7 and 9 are mentioned in this rejection since they do not have the noted claim language nor are they dependent on claim 6.

Dependent claims 6-9 do not have pending prior art rejections. Applicant would like to inquire if these dependent claims would be allowable if the 112 rejection was removed and the claims were rewritten in independent form, particularly by the incorporation of the subject matter of claim 6 into claim 1. Similar amendments would be made to the corresponding apparatus and computer program product claim sets.

102 Rejection

Applicant asserts that the interattribute constraints as disclosed in Hattori et al. are not similar to the database storage constraints as disclosed in the present invention, and Applicant requests discussion as to whether this is adequately reflected in current claim language.